

AO 442 (Rev. 11/11) Arrest Warrant

(DC 6/6-16)

UNITED STATES DISTRICT COURT

for the
District of Columbia

UNITED STATES OF AMERICA)

V.)

Eric Bochene)

Case No. 0090 1:21CR00418-001)

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States Magistrate Judge without unnecessary delay*(name of person to be arrested)* Eric Bochene,

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
 ☐ Complaint
☐ Probation Violation Petition
☒ Supervised Release Violation Petition
☐ Violation Notice
☐ Order of the Court

This offense is briefly described as follows:

See attached petition.

Date: 3/13/2024

City and State: Washington, DC

G. Walker  Digitally signed by G. Walker
Date: 2024.03.13 13:43:23
-04'00'

Issuing Officer's Signature

G. Walker, Deputy Clerk

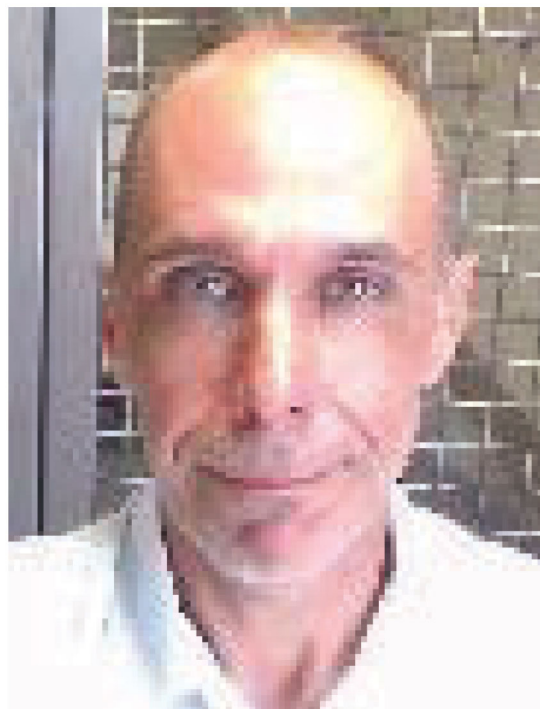
Printed Name and Title

Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
at *(city and state)* _____.

Date: _____

*Arresting Officer's Signature**Printed Name and Title*



PROB 12C-DC
(Rev. 11/10)



UNITED STATES DISTRICT COURT DISTRICT OF COLUMBIA PROBATION OFFICE

BRIAN D. SHAFFER • CHIEF UNITED STATES PROBATION OFFICER
E. BARRETT PRETTYMAN U.S. COURTHOUSE • 333 CONSTITUTION AVENUE, N.W. • SUITE 2214
WASHINGTON, D.C. 20001-2866 • TELEPHONE (202)565-1300

U.S. Probation Office Petition

(Statement of Alleged Violation(s) of Supervised Release/Petition for Warrant)

Sentencing Judge: Randolph D. Moss
United States District Court Judge

Date: 03/12/2024

Name of Offender: BOCHENE, Eric

Docket Number: 1:19CR00077-001

Offense: Enter and Remaining in a Restricted Building, 18 USC § 1752(a)(1)

Original Sentence: 11/02/2022: 90 days imprisonment, 12 months supervised release, \$25 special assessment, and \$500 restitution. Special condition(s) as follows:

- pay restitution at a rate of no less than \$100 per month
- financial disclosure
- financial restriction
- mental health treatment
- firearm restriction
- 60 hours of community service

Supervision Began: 11/02/2023

Supervision Expires: 11/01/2024



The probation officer believes Mr. Bochene has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	The defendant shall not commit another federal, state, or local crime. (Mandatory Condition)

On or about February 13, 2024, in the Northern District of New York, Mr. Bochene was arrested and charged with Assault, 3rd Degree: Recklessly Causing Physical Injury; Criminal Mischief,

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4th Degree; and Attempted Act in Manner Injure Child Less than 17, in violation of his Mandatory Condition. Evidence in support of this charge includes case documentation from Town of New Hartford Court, New Hartford, New York, *case no. 24020014*.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
2.	The defendant must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.) (Special Condition)

As of February 12, 2024, within the Northern District of New York, Mr. Bochene refused to participate in mental health treatment services, in violation of his Special Condition. Evidence in support of this violation includes testimony from the probation officer.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
3.	The defendant must complete 60 hours of community service over the term of probation. The Probation office will supervise your participation in the program by approving the program, and you must provide written verification of completed hours to the probation office. (Special Condition)

As of February 12, 2024, within the Northern District of New York, Mr. Bochene, has failed to begin community service hours, in violation of his Special Condition. Evidence in support of this violation is testimony from the probation officer.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
4.	The defendant shall pay the balance of any restitution at a rate of no less than \$100.00 per month. (Special Condition)

On or about December 2023, January 2024, February 2024, and March, 2024, within the Northern District of New York, Mr. Bochene, failed to pay restitution at a rate of no less than \$100 per month, in violation of his Special Condition. Evidence in support of this violation includes a United States District Court for the District of Columbia, Clerk's Office payment ledger and testimony from the probation officer.

Sentencing Options

<u>Guideline Provisions:</u>	Grade of Violation: C. USSG §7B1.1(a)(3)
	Criminal History Category: I
Imprisonment	3 to 9 months. USSG §7B1.4(a). Upon a finding of a Grade C violation, the Court may (A) revoke probation or supervised release; or (B) extend the term of

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probation or supervised release and/or modify the conditions of supervision. USSG §7B1.3(a)(2).

Statutory Provisions

Imprisonment:

The maximum term of imprisonment upon revocation of supervised release is 12 months for a Class A misdemeanor. 18 USC § 3583(e)(3).

Supervised Release

The maximum term of supervised release is 12 months for a Class A misdemeanor. 18 USC § 3583(b)(1).

Reimposition of
Supervised Release:

If the Court imposes a term of imprisonment that is less than the statutory maximum term of imprisonment, a term of supervised release may be reimposed. 18 USC § 3583(h) and USSG §7B1.3(g)(2).

Factors for Consideration:

The Court is required to impose a sentence that is sufficient but not greater than necessary to comply with 18 USC § 3553(a) which outlines the factors to be considered in the case of a modification of conditions or revocation of supervised release. In addition to considering the applicable guidelines or policy statements issued by the U.S. Sentencing Commission, the Court must also consider the need to afford adequate deterrence to criminal conduct; to protect the public from further crimes of the defendant; and to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner. The Court shall also consider the nature and circumstances of the offense, the history and characteristics of the defendant.

If the defendant commits another federal, state, or local crime, a violation of this condition may be charged whether or not the defendant is the subject of a separate federal, state, or local prosecution for such conduct. The grade of violation does not depend upon the conduct that is the subject of criminal charges or of which the defendant is convicted in a criminal proceeding. Rather, the grade of the violation is based on the defendant's actual conduct. USSG § 7B1.1, comment. (n.1)

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Any term of imprisonment imposed upon the revocation of probation or supervised release shall run consecutively to any sentence of imprisonment being served by the defendant. Similarly, the U.S. Sentencing Guidelines recommend that any sentence of imprisonment for a criminal offense that is imposed after revocation of probation or supervised release run consecutively to any term of imprisonment imposed upon revocation. USSG § 7B1.3, comment. (n.4)

Supervision Adjustment: Since the start of supervision, Mr. Bochene has resided in New Hartford, New York and is being supervised by the U.S. Probation Office, for the Northern District of New York.

In reference to *Violation No. 1*, according to the police officer from the Town of New Hartford, Mr. Bochene struck his daughter (minor) causing an injury on her face which required stitches. He is currently being held in custody with no bond, awaiting his next court date.

In reference to *Violation No. 2 and 3*, Mr. Bochene advised the probation office that he will not comply with the requirement for mental health treatment and to date has not complied with the requirement to complete the 60 hours of community service.

In reference to *Violation No. 4*, to date, Mr. Bochene has failed to make restitution payments and is in default. Mr. Bochene advised the probation office he will not pay restitution, as he explained the U.S. Government took a “mortgage” on all U.S. Citizens and he believes that compensates the government and therefore, he does not need to pay restitution. He has paid the special assessment in full and has had no identified violation regarding financial disclosure.

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Recommendation: Issue a warrant to be lodged as a detainer for Eric Bochene and schedule a hearing upon execution of the warrant.

I declare under penalty of perjury that the foregoing is true and correct.

By:



03/12/2024

Kenika Dixon, Senior
United States Probation Officer
(202) 565-1383

Date



2024.03.12

22:17:51 -04'00'

Approved by:

Shawn A. Suber, Supervisory
United States Probation Officer
(202) 565-1333

Date

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA**

U.S.A. vs. BOCHENE, Eric

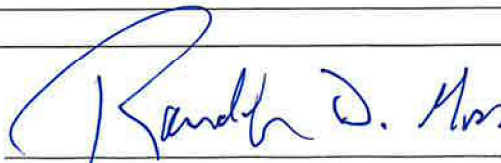
Docket No.: 1:21CR00418-001

The Court may enter a minute order for any of the following options:

Warrant Requests Only - To help ensure the safety of law enforcement officers while a warrant is active, we ask that you not enter a minute order. Rather, please print and sign this document and, if you concur with the request for a warrant, provide all pages to your Court Room Deputy Clerk who will enter a sealed minute order and process the warrant for service without alerting the public or the offender. After the warrant is executed, the Deputy Clerk will unseal the warrant unless otherwise directed by the Court.

THE COURT ORDERS:

1. ☒ Concurs with the recommendation of the Probation Office to ***“issue a warrant to be lodged as a detainer for Eric Bochene and schedule a hearing upon execution of the warrant.”***
2. ☐ No action
3. ☐ Issuance of a warrant and enter into NCIC and schedule a hearing upon execution
4. ☐ Issuance of a summons and schedule a hearing
5. ☐ Hearing to modify, revoke, or terminate supervised release shall be held before a magistrate judge for the preparation of a report and recommendation to the district judge. This designation will remain for the duration of the case, and the designated magistrate judge will respond to all subsequent requests from the probation office unless otherwise ordered by the district judge.
6. ☐ Other _____



Randolph D. Moss
United States District Judge

3/13/24

Date